

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Anthony Kristopher Giacomani

Docket No. 7:06-CR-80-1BO

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Kristopher Giacomani, who, upon an earlier plea of guilty to Bank Robbery, in violation of 18 U.S.C. 2113(a), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 20, 2007, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Anthony Kristopher Giacomani was released from custody on March 9, 2015, at which time the term of supervised release commenced.

On March 18, 2016, as a result of testing positive for cocaine, the court approved a Petition for Action requiring the defendant to serve 4 days in jail, adding the DROPS Program, and a Cognitive Behavioral Program.

On July 20, 2016, the court was notified that the defendant tested positive for amphetamine and/or methamphetamine use on multiple occasions between March 6, 2016, and July 7, 2016, and was delinquent in restitution payments. On October 3, 2016, the court revoked the defendant's term of supervision and imposed a 90-day sentence. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 33 months.

He was released from custody on November 6, 2016, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted to a urine test on January 23, 2017, which was confirmed positive for cocaine by Alere Laboratories. When confronted about the positive drug test on February 3, 2017, the defendant confessed to using cocaine and apologized for his actions. Since that time, the defendant has been referred back to Coastal Horizons, Inc. where he will be required to complete the Intensive Outpatient Treatment Program and participate in individual substance abuse treatment sessions as directed. Nonetheless, as a result of his use of cocaine, a 2-day jail term and the addition of the DROPS Program are recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

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2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2045
Executed On: February 16, 2017

ORDER OF THE COURT

Considered and ordered this 16 day of February, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge